

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

MARCO DANE ACOFF,	)	
	)	
Plaintiff,	)	
	)	
v.	)	2:05-CV-179-RDP-RRR
	)	
DEPUTY COLE, et. al.,	)	
	)	
Defendants.	)	

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on April 14, 2005, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed as frivolous and for failing to state a claim upon which relief can be granted under 28 U.S.C. § 1915A(b). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report finding that plaintiff's claims are due to be dismissed is hereby **ADOPTED** and the magistrate judge's recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed as frivolous and for failing to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b). An appropriate order will be entered.

**DONE** and **ORDERED** this 10th day of May, 2005.



**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE